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~~March 4, 2020~~ March 9, 2020

Hon. Paul A. Engelmayer  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Salinas v Colvin 15-cv- 8822 (PAE)

Honorable Sir:

I am plaintiff's attorney in the above matter, a Social Security disability matter that was remanded in March of 2016. Administrative Counsel has just made me aware that Ms. Salinas received a fully favorable decision from the Social Security Administration dated October 25, 2019. Despite repeated efforts on his part there has been no Notice of Award issued yet, and I have asked the AUSA who handled this matter to see if she can help move this along.

Based upon the fact that the plaintiff is entitled to benefits retroactive to April 2011 counsel and I agree that there should be a significant amount withheld by statute for possible attorney fees. I spent about four and one half hours of time on this matter and was awarded and received a fee under EAJA of \$750. Thus I will be requesting an additional fee under 42 USC 406(b), with the exact amount to be determined.

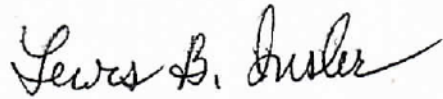
I am writing at this time to ask that the court equitably toll the 14 day period to file for attorney fees under 42 USC 406(b) until such time as the I have received the Notice of Award from Administrative Counsel to determine the amount withheld for attorney fees. This is necessary based upon the recent Second Circuit decision in Sinkler v Berryhill, 932 F 3d 83 ( 2d Cir 2019) which requires that the petition under 406(b) be filed within 14 days of the date the attorney receives the Notice of Award but that " district Courts are empowered to enlarge that filing period when circumstances warrant." Sinkler at 393.

The Defendant will only send the Notice of Award to administrative counsel and the plaintiff and thus I am dependent on counsel to provide me with a copy of the Notice and to confirm the amount of the administrative fee being requested under 406(a). While we have discussed this as noted, and he is aware of the new limitations

under Sinkler, I have no control over when I will receive the Notice of Award. However I will file my petition as expeditiously as possible upon receipt of the Notice from counsel.

I thank the court for its anticipated cooperation in this matter and look forward to your determination concerning this motion.

Respectfully submitted,

Handwritten signature of Lewis B. Insler in black ink.

Lewis B. Insler (li5441)

CC: Amanda Parsels, esq. via ECF

3/10/2020

Granted.

SO ORDERED.

Handwritten signature of Paul A. Engelmayer in blue ink.  

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PAUL A. ENGELMAYER  
United States District Judge